

DOCKET FILE COPY ORIGINAL
EX PARTE OR LATE FILED

RECEIVED

MAR 29 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

March 26, 1993

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

93-1/

Re: Notice of Proposed Rulemaking, ET Docket No. 92-1

Dear Ms. Searcy:

Transmitted herewith for filing with the Commission on behalf of the National Technical Investigators Association are an original and 4 copies of its Reply Comments in the above-captioned Rulemaking proceeding.

Should there be any questions regarding this matter, please communicate with this office.

Very truly yours,



Gerry Barnes
President
National Technical Investigators
Association

cc: Bruce Franca
Richard B. Engelman
David Wilson

No. of Copies rec'd 0+4
List A B C D E

RECEIVED

MAR 29 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554


FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Amendment of Parts 2 and 15)
to Prohibit Marketing of Radio) ET Docket No. 93-1
Scanners Capable of Intercepting)
Cellular Telephone Conversations)

To: The Commission

MOTION OF THE NATIONAL TECHNICAL INVESTIGATORS ASSOCIATION
FOR LEAVE TO FILE LATE REPLY COMMENTS

The National Technical Investigators Association (NATIA) respectfully moves the Commission for leave to file its attached Reply Comments in this proceeding after the date for such comments has passed. NATIA, which represents the views of law enforcement officials, has a unique and important perspective on the proposed regulations in this proceeding, which if enacted in their proposed form could unnecessarily impede legitimate law enforcement activities. As NATIA only recently became aware of these proceedings and has promptly acted to participate in them, it requests that its Reply Comments be considered by the Commission without regard to the filing deadline.


Gerry Barnes, President
NATIONAL TECHNICAL INVESTIGATORS
ASSOCIATION
P.O. Box 993
Washington, D.C. 20044
202-566-3217

March 26, 1993

RECEIVED

MAR 29 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Amendment of Parts 2 and 15)
to Prohibit Marketing of Radio) ET Docket No. 93-1
Scanners Capable of Intercepting)
Cellular Telephone Conversations)

To: The Commission

REPLY COMMENTS OF
THE NATIONAL TECHNICAL INVESTIGATORS ASSOCIATION

The National Technical Investigators Association ("NATIA") files these reply comments in response to the Notice of Proposed Rulemaking released in the above-captioned proceeding on January 13, 1993.

NATIA is a national organization of federal, state and local law enforcement organizations whose membership is restricted to officers engaged in the technical investigation field. The mission of those officers is surveillance, acquisition of evidence through technical means and its verification at trial.

We have reviewed the Comments filed by the Harris Corporation in this proceeding, which point out that the FCC's proposed new rules would have the apparently unintended effect of prohibiting FCC equipment authorization for a certain class of cellular telephone intercept devices that are critical to law enforcement activities. As we understand it, without a modification in the proposed rules like that suggested by Harris, manufacturers of equipment that our member law enforcement agencies are authorized

to purchase and use under 18 U.S.C. §§ 2510 et seq could not be granted certification by the FCC.

NATIA strongly supports the Harris comments. It is very important that the FCC's efforts to cut down on the availability of consumer scanning receivers used for unlawful interception should not result in unnecessary impediments to our members' acquisition of devices that are specifically designed for law enforcement use. Continuing access to technically improved hardware is critical to our efforts to meet the new challenges of law enforcement and investigation. We also believe it is important that such devices meet appropriate FCC technical standards, which are embodied in the equipment authorization process.

NATIA thus urges the FCC to adopt the modification to its proposed rules suggested by the Harris Corporation in its comments in this proceeding.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Gerry Barnes", is written over a horizontal line.

Gerry Barnes, President
NATIONAL TECHNICAL INVESTIGATORS
ASSOCIATION
P.O. Box 993
Washington, D.C. 20044
202 566-3217

March 26, 1993